

HOUSE No. 213

By Mr. Stanley of Waltham (by request), petition of David L. Smith relative to retaliation against employees reporting violations of law or risks to public health, safety or the environment. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE WHISTLEBLOWER ACT SO CALLED.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (d) of section 185 of Chapter 149 of
2 the General Laws, as appearing in the Official Edition, is hereby
3 amended by striking out the first sentence and inserting in place
4 thereof the following sentence:— the employee shall be repre-
5 sented by The Attorney General in a civil action in a Superior
6 Court.

1 SECTION 2. Said subsection of said section 185 of said
2 Chapter 149, as so appearing, is hereby further amended by
3 adding the following sentence:— No employee shall be charged
4 with vacation, personal, or sick leave time for any days used as
5 pursuing an action hereunder.

1 SECTION 3. Said section 185 of said Chapter 149, as so
2 appearing is hereby amended by striking out the words “except
3 that the institution of a private action in accordance with subsec-
4 tion (d) shall be deemed a waiver by the plaintiff of the rights and
5 remedies available to him, for the actions of the employer, under
6 any other contract, collective bargaining agreement, state law,
7 rule, or regulation, or under the common law” in lines 92 to 96
8 inclusive. The term employer, as used here, shall also include the
9 Commonwealth itself.

1 SECTION 4. Said section 185 of said Chapter 149, as so
2 appearing, is hereby further amended by adding the following
3 subsection:—

4 (h) Any employee, vendor, or consultant of the Commonwealth
5 found liable in an action hereunder for a violation of this section
6 shall be personally liable for all costs, direct and indirect, attribut-
7 able to such violation.

1 SECTION 5. Said section 185 of said Chapter 149 shall be
2 deemed to refer to all forms of retaliation against an employee for
3 sexual, religious, age, color, race, ethnic, or political reasons.